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EXAMINER

LI, GUANG W

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2446

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/541,500	Applicant(s) OGASAWARA ET AL.	
	Examiner GUANG LI	Art Unit 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-8,10,11,13,14,16,17,19-21,23 and 25-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 6-8, 10-11, 13-14, 16-17, 19-21, 23 and 25-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment date 09/02/2008
2. Claims 1, 3-4, 6-8, 10-11, 13-14, 16-17, 19-21, 23 and 25-39 are presented for examination.

Response to Arguments

3. Applicant's arguments filed 09/02/2008 have been fully considered but they are not persuasive.
4. Applicant argues the following limitation(s):
 - Applicant argues, stated in the remark on page 12, "These claimed features accommodate the sending of digital content between communications devices that are connected to each other. The information registering means registers the digital content available from those of the communication devices that are registered as an information provider" and "None of the references offer any disclosure resembling the establishment of a connection between the respective communication devices so that the digital content can be provided from one to the other." On the contrary, Linden teaches a system that allows for collaborative recommendation wherein the computer user may rate various items that are available through the web server. The clients (Fig.1 user 34) are connected with Internet that sharing the rating recommendation to other clients. As applicant mention in the remark, Linden teaches providing the recommendation on the various items to the clients 34 which is clearly teaches the clients and web server are connected to each other regardless whether the clients computer connected to web server first. The recommendation that provided by different clients that stored in the user profile 38 that are

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provided to other users 34. In addition, web server 32 controlling the information flow between the client user and the user profiles which client users and user profile are part of communication devices. Linden further teaches the recommendation of the book titles, music tiles, video tiles and other type of items to individual users which is clearly show the recommendation of book and titles are based on user profiles (Linden: col.4 lines 40-45). Furthermore, the recommendation of user interests on books and music are rating by the user and registering the user rating in the user profile. Examiner agreed with applicant there is no actual digital content provide to the user, however applicant admitted Angles reference provided delivered from the advertisement provider computer to the consumer computer. It would be obvious to one ordinary skill in the art to combine Linden with Angles to provide actual content instead of just recommendation to the users. Based on the reasons above, Linden does teach sending content between communication devices that are connected to each other and information registering.

- Applicant argues, stated in the remark on page 12, “There is never an establishment of a connection between the communication devices, let alone in response to selection of content, or further in response to selection based upon indicated availability of the digital content from the communication device that is information provider in real time.” On the contrary, Linden teaches a web server establishes the connection between the web server and the recommendation services to provide recommendation to the users. This is clearly teaching establishment of a connection between the user client and the external components devices. In addition, establishment of a connection between the communication devices was not in the claim language. At most applicant claimed the communication controlling the connection between the communication devices not the establishing connections between each others. However, the

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client device received the recommendation of a product and the user profile as the information provider providing the recommendations for the clients in real time. Furthermore, Angles also teaching the establishing the connection between the communication devices (Angles: col.10 lines 38-60; Fig.4).

- Applicant argues, stated in the remark on page 13, “Linden does not disclose or suggest "wherein the choices-window information includes information indicative of whether the communication device that is the information provider can currently provide the offered digital content in real time," or "wherein the communication controlling means controls the connection between the communication device that receives the desired piece of offered digital content and the communication device that is the information provider, with the desired piece of offered digital content being provided in real time when it is indicated as currently available in real time." On the contrary, Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see Linden: col. 15 lines 36-40. In another word, when the user selected the recommended music title or audio title the selected items information will send to the user. Although only the information contents send to the user, it would be obvious to one ordinary skill in the art to combine Linden with Angles to provide actual content instead of information contents to the users such as downloading a song after purchased.

- Applicant argues, stated in the remark on page 14, “Angles does not remedy the deficiencies of Linden” and “Although some content is delivered from the advertisement

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provider computer to the consumer computer (i.e., the customized ads, presumably within web pages or the like that are accessed through the content provider computer), as with the Linden reference there is clearly is no registration as an information provider, nor is there the feature of having choices-window information from which selection is made of a desired one of the plurality of pieces of offered digital content by those of the communication devices that are to receive the desired piece of offered digital content." On the contrary, Angles does remedy the deficiencies of Linden for the argument above. Angles teach the server software sends copies of HTML pages to each consumer computer 12 which accesses the content provider computer. In addition, A consumer who wishes to receive customized advertisements first registers with the advertisement provider by entering pertinent demographic information into the advertisement provider's demographic database (Angles: col. 3 lines 6-17). Therefore, Linden together with Angles teach the registration as an information and features of choices-window information from which selection is made of desired one of the plurality of pieces of offered digital content.

- Applicant argues, stated in the remark on page 15, "There is no mention of the establishment of connections between separate communication devices of information providers and information recipients wherein the content is then provided from the former communication device to the latter communication device. The available "digital products" are merely those available through the system." On the contrary, Linden teaches establishes the connection between the clients and the external components to provide recommendation services to the users. However, Examiner agreed with Applicant that Linden does not provide a separate communication device of information providers and information recipients wherein the content is the provided from the former communication device to the latter communication device.

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Although Linden does not provide the separate communication between the information provider and the information recipients, but Angles teaches plurality of content provider computer provider 14 provide connection to the plurality of consumer computer 12 (see Angles: Fig.2 and 4). In addition, establishment of connections between separate communication devices of information communication device to the latter communication device is not in the claim language. For the reasons above, Applicant's arguments have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 3-4, 6-8, 10-11, 13-14, 16-17, 19-21, 23 and 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linden et al. (US 6,266,649) in view of Angles et al. (US 5,933,811) and further in view of Buhse et al. (US 2004/0024652 A1).

7. Regarding claim 1, Linden teaches a service managing apparatus for managing an information transmission service in which digital content is sent in real time between communication devices connected to each other over a network, the apparatus comprising:

a communication controlling means for controlling the communication with each of the communication devices (web server will control the flow of information that is used by recommendation service see Linden: col.7 lines 6-19);

an information registering (User Profile see Linden: Fig.1 item 38) means for maintaining registration information (music title and video title consider as audio/video information "context of a recommendation service, including two specific implementations thereof, that is used to

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recommend book titles, music titles, video titles, and other types of items to individual users of the Amazon.com Web site” see Linden: col.4 lines 40-45) on more than one piece of content available from those of communication devices that are registered as an information provider (computer implemented service and associated methods for generating personalized recommendations of item based on the collective interests of a community of users see Linden: col.2 lines 33-37); and

an information managing means for dynamically generating, based on the registration information, choices-window information from which selection is made (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see Linden: col. 15 lines 36-40) of a desired one of the plurality of pieces of offered content by those of (“to generate a set of recommendations for a give user, the services retrieves from the table the similar items lists corresponding to items already known to be of interest to the user, and then appropriately combines these lists to generate a list of recommended items” see Linden: col.3 lines 7-18) the communication devices that are to receive the desired piece of offered content,

the information managing means updating, when the registration information has been updated based on updating information, the choices-window information on the basis of the (external component(40) are various order processing module for accepting and processing orders and for updating the purchase histories of the users see Linden: col.7 lines 40-48) updated

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registration information, wherein the choice-window information includes information indicative of whether the communication device that is the information includes information indicative of whether the communication device that is the information provider can currently provide the offered digital content in real time (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see Linden: col. 15 lines 36-40), and

wherein communication controlling means controls the connection between the communication device that receives the desired piece of offered content (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see Linden: col. 15 lines 36-40) and the communication device that send the desired piece of offered content being provided in real time (only recommended information will be shown to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see Linden: col. 15 lines 36-40).

Linden does not explicitly disclose a registered information updating step of updating the information registering means on the basis of updating information reflecting the current status of the information provider.

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Angles teaches a registered information updating step of updating the information registering means on the basis of updating information reflecting the current status of the information provider (a system and method for delivering customized electronic advertisement in an interactive communication system. The customized advertisements are selected based on consumer computer and are then integrated with offering maintained by different content providers see abstract). Angles further provides the advantage of when the advertisement providers status is present, the content provider computer requests the customized advertisement and the advertisement computer then sends the customized directly to the consumer computer (FIG. 9 and 10 see Angles: Col. 21 line 52).

It would have been obvious to one of ordinary skill in the art, having the teachings of Linden through Angles before them at the time the invention was made to modify the service managing method and system of Linden to provide advertisers can pay for advertising direct at specific demographic target groups for advertising purpose (Angles: col.4 line 1-5).

Linden together with Angles does not explicitly discloses maintaining registration information on more than one piece of digital content from those of communication devices that are registered, offered digital content in real time; and offered content being provided in real time when it is indicated as currently available in real time.

Buhse teaches maintaining registration information on more than one piece of digital content from those of communication devices that are registered (system updates the catalog and can be distributed to retail network “The system then updates the catalog and the catalog can be distributed to a retail network. Orders placed by retailers, by retailers for consumers, or placed directly by consumers are processed through the OMS 105” see Buhse: ¶[0037]) offered digital

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content in real time; and offered content being provided in real time when it is indicated as currently available in real time (downloading digital content from the content distributor center to the consumer in real time listing “The Offer Catalog Component (OCC) 102 can be a real time listing of available digital products” see Buhse: ¶[0031]; Fig.2C Item 6a).

It would have been obvious to one of ordinary skill in the art, having the teachings of Linden through Buhse before them at the time the invention was made to modify the service managing method and system of Linden and Angles to include maintaining registration information on more than one piece of digital content from those of communication devices that are registered, offered digital content in real time, and offered content being provided in real time when it is indicated as currently available in real time as taught by Buhse.

One of ordinary skill in the art would have been motivated to make this modification in order to provide more efficient managing an information transmission service over a network in view of Buhse.

8. Regarding claim 3, Linden through Buhse taught service managing system and method according to claim 1, as described above. Linden further teaches the information managing means generates the choices-window information (only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see Linden: col. 15 lines 36-40) from which selection is available only for digital content that can currently be provided in real time (The user can also

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select a specific category such as “non-fiction” or “romance” from a drop down menu 202 to request category-specific recommendations see Linden: col.15 lines 63-67).

9. Regarding claim 4, Linden through Buhse taught service managing system and method according to claim 1, as described above. Buhse further teaches the updating information includes types of more than one media which can be used for the real-time provision of the offered digital content (download songs or digital work direct from the system “From the consumer's point of view rendering device independence means that once the consumer has purchased rights to a digital work, assuming the purchase plan allows for unrestricted use, the system can log and serve any type of rendering device capable of playing that type of product. In some cases the rendering device itself can accomplish a direct download from the system” see Buhse: ¶ [0221]).

10. Regarding claim 6, Linden through Buhse taught service managing system and method according to claim 1, as described above. Linden further teaches the information managing means receives the registered information and registers it into the information registering means; and the communication device receives the updating information and updates the registered information (computer implemented service and associated method for generating personalized recommendations of items based on the collective interests of a community of users and updating the recommended lists based on the users purchased see Linden: col.2 lines 33-45; col.7 lines 40-48).

11. Regarding claim 7, Linden through Buhse taught service managing system and method according to claim 6, as described above. Buhse further teaches the communication controlling means receives the updating information from the communication device (system updates the

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catalog and can be distributed to retail network “The system then updates the catalog and the catalog can be distributed to a retail network. Orders placed by retailers, by retailers for consumers, or placed directly by consumers are processed through the OMS 105” see Buhse: ¶[0037]) which provides the digital content in real time (downloading digital content from the content distributor center to the consumer in real time listing “The Offer Catalog Component (OCC) 102 can be a real time listing of available digital products” see Buhse: ¶[0031]; Fig.2C Item 6a).

12. Regarding claim 8, they are rejected for the same reason as claims 1 as set forth hereinabove. Linden through Buhse taught the claimed apparatus, therefor together, they teach the claimed method.

13. Regarding claim 10, claim 10 is rejected for the same reason as claim 3 as set forth hereinabove.

14. Regarding claim 11, claim 11 is rejected for the same reason as claim 4 as set forth hereinabove.

15. Regarding claim 13, Linden through Buhse taught service managing system and method according to claim 8, as described above. Buhse further teaches the information-updating step, the choices-window information is updated based on the registered information updated with the updating information received from the communication device which provides the offered digital in real time (download songs or digital work direct from the system in real time “From the consumer's point of view rendering device independence means that once the consumer has purchased rights to a digital work, assuming the purchase plan allows for unrestricted use, the system can log and serve any type of rendering device capable of playing that type of product. In

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some cases the rendering device itself can accomplish a direct download from the system” see Buhse:¶[0221]).

16. Regarding claim 14, Linden teaches a service providing system which provides an information transmission service in which digital content is sent in real time between communication devices connected to each other over a network, the system comprising:

a plurality of communication devices to provide or receive offered content (music title and video title consider as audio/video information “context of a recommendation service, including two specific implementations thereof, that is used to recommend book titles, music titles, video titles, and other types of items to individual users of the Amazon.com Web site” see Linden: col.4 lines 40-45) to be provided by an information provider or to be used by an information user (plurality computer users see Linden: Fig.1 Item 34) , respectively, each as a user of the information transmission service,

each of the communication devices including a communication means for sending or receiving offered content to or from the other communication device as a counterpart (web server 34 accesses a database 35 HTML content which includes product information pages and other browsable information see Linden: col.7 lines 13-19);

a service management device connected to each of the communication devices via a network to manage the information transmission service (web server manages the information transmission device between database and the plurality computers see Linden: col.7 lines 13-19),

the service management device (Web Server see Linden: Fig.1 item 32) including:

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a communication controlling means for controlling the communication with each of the communication devices (web server will control the flow of information that is used by recommendation service see Linden: col.7 lines 6-19);

an information registering (User Profile see Linden: Fig.1 item 38) means for maintaining registration information (music title and video title consider as audio/video information “context of a recommendation service, including two specific implementations thereof, that is used to recommend book titles, music titles, video titles, and other types of items to individual users of the Amazon.com Web site” see Linden: col.4 lines 40-45) on more than one piece of content available from those of communication devices that are registered as an information provider (computer implemented service and associated methods for generating personalized recommendations of item based on the collective interests of a community of users see Linden: col.2 lines 33-37); and

an information managing means for dynamically generating, based on the registration information, choices-window information from which selection is made (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see Linden: col. 15 lines 36-40) of a desired one of the plurality of pieces of offered content by those of (“to generate a set of recommendations for a give user, the services retrieves from the table the similar items lists corresponding to items already known to be of interest to the user, and then appropriately combines these lists to generate a list of recommended items” see Linden:

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col.3 lines 7-18) the communication devices that are to receive the desired piece of offered content,

the information managing means updating, when the registration information has been updated based on updating information, the choices-window information on the basis of the (external component(40) are various order processing module for accepting and processing orders and for updating the purchase histories of the users see Linden: col.7 lines 40-48) updated registration information, wherein the choice-window information includes information indicative of whether the communication device that is the information includes information indicative of whether the communication device that is the information provider can currently provide the offered digital content in real time (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see Linden: col. 15 lines 36-40), and

wherein communication controlling means controls the connection between the communication device that receives the desired piece of offered content (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see col. 15 lines 36-40) and the communication device that send the desired piece of offered content being provided in real time (only recommended information will be shown to the users

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“the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see Linden: col. 15 lines 36-40).

Angles teaches a registered information updating step of updating the information registering means on the basis of updating information reflecting the current status of the information provider (a system and method for delivering customized electronic advertisement in an interactive communication system. The customized advertisements are selected based on consumer computer and are then integrated with offering maintained by different content providers see abstract). Angles further provides the advantage of when the advertisement providers status is present, the content provider computer requests the customized advertisement and the advertisement computer then sends the customized directly to the consumer computer (FIG. 9 and 10 see Angels: Col. 21 line 52).

Linden together with Angles does not explicitly disclose maintaining registration information on more than one piece of digital content from those of communication devices that are registered, offered digital content in real time; and offered content being provided in real time when it is indicated as currently available in real time.

Buhse teaches maintaining registration information on more than one piece of digital content from those of communication devices that are registered (system updates the catalog and can be distributed to retail network “The system then updates the catalog and the catalog can be distributed to a retail network. Orders placed by retailers, by retailers for consumers, or placed directly by consumers are processed through the OMS 105” see Buhse: ¶[0037]) offered digital content in real time; and offered content being provided in real time when it is indicated as

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currently available in real time (downloading digital content from the content distributor center to the consumer in real time listing “The Offer Catalog Component (OCC) 102 can be a real time listing of available digital products” see Buhse: ¶[0031]; Fig.2C Item 6a).

It would have been obvious to one of ordinary skill in the art, having the teachings of Linden through Buhse before them at the time the invention was made to modify the service managing method and system of Linden and Angles to include maintaining registration information on more than one piece of digital content from those of communication devices that are registered, offered digital content in real time, and offered content being provided in real time when it is indicated as currently available in real time as taught by Buhse.

One of ordinary skill in the art would have been motivated to make this modification in order to provide more efficient managing an information transmission service over a network in view of Buhse.

17. Regarding claim 16, Linden through Buhse taught service managing system and method according to claim 14, as described above. Linden further teaches the communication controlling means updates the information registering means when the information user has been authenticated with the user identification information (website 300 also includes a user profiles database 38 which stores account specific information about users of the site see Linden: col.7 line 20).

18. Regarding claim 17, Linden through Buhse taught service managing system and method according to claim 16, as described above. Linden and Buhse further teaches the updating information (system updates the catalog and can be distributed to retail network “The system then updates the catalog and the catalog can be distributed to a retail network. Orders placed by

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retailers, by retailers for consumers, or placed directly by consumers are processed through the OMS 105” see Buhse: ¶[0037]) includes media information indicative of the type of a media which can be used by the communication device to send the offered digital content when providing the offered digital content (download songs or digital work direct from the system in real time “From the consumer's point of view rendering device independence means that once the consumer has purchased rights to a digital work, assuming the purchase plan allows for unrestricted use, the system can log and serve any type of rendering device capable of playing that type of product. In some cases the rendering device itself can accomplish a direct download from the system” see Buhse:¶[0221]); and

the communication controlling means updates the information registering means with the information indicative of whether the information provider can currently provide the offered digital content (music title and video title consider as audio/video information that send from web server to computer user browser “context of a recommendation service, including two specific implementations thereof, that is used to recommend book titles, music titles, video titles, and other types of items to individual users of the Amazon.com Web site” see Linden: col.4 lines 40-45) and media information included in the updating information (computer implemented service and associated method for generating personalized recommendations of items based on the collective interests of a community of users and updating the recommended lists based on the users purchased see Linden: col.2 lines 33-45; col.7 lines 40-48).

19. Regarding claim 19, Linden through Buhse taught service managing system and method according to claim 14, as described above. Linden and Buhse further teach the updating information includes digital content indicative of the position of the communication device

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which sends the offered information (data stored in the database see Linden: col.7 lines 20-39);
and

the communication controlling means controls, based on the position information, the connection between the communication device (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see Linden col. 15 lines 36-40) that receives the desired piece of offered digital content and the communication device that is the information provider (download songs or digital work direct from the system in real time “From the consumer's point of view rendering device independence means that once the consumer has purchased rights to a digital work, assuming the purchase plan allows for unrestricted use, the system can log and serve any type of rendering device capable of playing that type of product. In some cases the rendering device itself can accomplish a direct download from the system” see Buhse:¶[0221]).

20. Regarding claim 20, Linden through Buhse taught service managing system and method according to claim 14, as described above. Linden and Angles further teach the communication controlling means includes a call means for sending and receiving a connection control signal for establishing the connection between the communication device that receives the desired piece of offered digital content and the communication device that is the information provider (plurality of content provider computer provider 14 provide connection to the plurality of consumer computer 12 see Angles: Fig.2 and 4); and

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the connection controlling means receives the connection control signal from the call controlling means in the communication device and controls the connection between both the communication devices (web server control the information flow between the user computer and database see Linden: Fig.1 item 34 and 32).

21. Regarding claim 21, Linden teaches a service providing method for a service providing system including a plurality of communication devices to send or receive offered digital content to be provided by an information provider or to be used by an information user, respectively, each as a user of the information transmission service in which information is sent from one of communication devices connected to each other over a network to the other, and vice versa in real time and a service management device connected to each of the communication devices via the network to manage the information transmission service, the method comprising:

an information registering step in which information on more than one piece of offered content available from those of communication devices that are registered as information providers is maintained as registration information into an information registering means of the service management device (computer implemented service and associated methods for generating personalized recommendations of item based on the collective interests of a community of users in the web server see Linden: col.2 lines 33-37);

an information managing step in which, referring to an information registering means of the information management device in the service management device, there is dynamically generated choices-window information from which an information user of the offered content selects a desired one of the plurality of pieces of offered content (“to generate a set of recommendations for a give user, the services retrieves from the table the similar items lists

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corresponding to items already known to be of interest to the user, and then appropriately combines these lists to generate a list of recommended items” see Linden: col.3 lines 7-18) for the communication device that is to receive the desired piece of offered content;

a choices-window information updating step in which an information management means updates, when the information registering means has been updated based on the updating information, the choices-window information on the basis of the (external component(40) are various order processing module for accepting and processing orders and for updating the purchase histories of the users see Linden: col.7 lines 40-48) updated registration information, wherein the choices-window information includes information indicative of whether the communication device that is the information provider can currently provide the offered digital content in real time; and

a controlling step of controlling the connection between the communication device that receives the desired piece of offered content (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see Linden: col. 15 lines 36-40) and the communication device that sends the desired piece of offered content and the communication device that is the information provider, with the desired piece of offered content being provided in real time (only recommended information will be shown to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative

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score, or (3) do not fall within the designated product group (e.g., books) or category” see Linden: col. 15 lines 36-40).

Angles teaches a registered information updating step of updating the information registering means on the basis of updating information reflecting the current status of the information provider (a system and method for delivering customized electronic advertisement in an interactive communication system. The customized advertisements are selected based on consumer computer and are then integrated with offering maintained by different content providers see abstract). Angles further provides the advantage of when the advertisement providers status is present, the content provider computer requests the customized advertisement and the advertisement computer then sends the customized directly to the consumer computer (FIG. 9 and 10 see Angles Col. 21 line 52).

Linden together with Angles does not explicitly discloses maintaining registration information on more than one piece of digital content from those of communication devices that are registered, offered digital content in real time; and offered content being provided in real time when it is indicated as currently available in real time.

Buhse teaches maintaining registration information on more than one piece of digital content from those of communication devices that are registered (system updates the catalog and can be distributed to retail network “The system then updates the catalog and the catalog can be distributed to a retail network. Orders placed by retailers, by retailers for consumers, or placed directly by consumers are processed through the OMS 105” see Buhse: ¶[0037]) offered digital content in real time; and offered content being provided in real time when it is indicated as currently available in real time (downloading digital content from the content distributor center

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to the consumer in real time listing “The Offer Catalog Component (OCC) 102 can be a real time listing of available digital products” see Buhse: ¶[0031]; Fig.2C Item 6a).

It would have been obvious to one of ordinary skill in the art, having the teachings of Linden through Buhse before them at the time the invention was made to modify the service managing method and system of Linden and Angles to include maintaining registration information on more than one piece of digital content from those of communication devices that are registered, offered digital content in real time, and offered content being provided in real time when it is indicated as currently available in real time as taught by Buhse.

One of ordinary skill in the art would have been motivated to make this modification in order to provide more efficient managing an information transmission service over a network in view of Buhse.

22. Regarding claim 23, Linden through Buhse taught service managing system and method according to claim 21, as described above. Linden and Buhse further teaches the updating information includes information indicative of the type of a media which can be used when providing the offered digital content (Instant Recommendations Service can retrieved more than one type of media, such like items that fall outside any product group, product category or process see Linden: col.11 lines 21-37); and

in the choices-window information updating step, the choices-window information is made to reflect the information indicative of whether the information provide can currently provide the offered digital content in real time (downloading digital content from the content distributor center to the consumer in real time listing “The Offer Catalog Component (OCC) 102 can be a real time listing of available digital products” see Buhse: ¶[0031]; Fig.2C Item 6a) and

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media information included in the updating information (system updates the catalog and can be distributed to retail network “The system then updates the catalog and the catalog can be distributed to a retail network. Orders placed by retailers, by retailers for consumers, or placed directly by consumers are processed through the OMS 105” see Buhse: ¶[0037]).

23. Regarding claim 25, claim 25 is rejected for the same reason in claim 19 as set forth hereinabove.

24. Regarding claim 26, Linden through Buhse taught service managing system and method according to claim 1, as described above. Buhse further teaches wherein the digital content is video content (video games and motion pictures download over the network “For example, popular songs, once distributed primarily as tangible vinyl records, can be digitally recorded, transmitted over the Internet and downloaded into MP3 players. Similarly computer software, video games, and motion pictures can be encoded, transmitted at high speed and downloaded or displayed on widely available personal computers” see Buhse: ¶[0003]).

25. Regarding claim 27, Linden through Buhse taught service managing system and method according to claim 1, as described above. Buhse further teaches wherein the digital content is audio content (songs that download over the network to personal computer “For example, popular songs, once distributed primarily as tangible vinyl records, can be digitally recorded, transmitted over the Internet and downloaded into MP3 players. Similarly computer software, video games, and motion pictures can be encoded, transmitted at high speed and downloaded or displayed on widely available personal computers” see Buhse: ¶[0003]).

26. Regarding claim 28, claim 28 is rejected for the same reason in claim 26 as set forth hereinabove.

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27. Regarding claim 29, claim 29 is rejected for the same reason in claim 27 as set forth hereinabove.

28. Regarding claim 30, claim 30 is rejected for the same reason in claim 26 as set forth hereinabove.

29. Regarding claim 31, claim 31 is rejected for the same reason in claim 27 as set forth hereinabove.

30. Regarding claim 32, claim 32 is rejected for the same reason in claim 26 as set forth hereinabove.

31. Regarding claim 33, claim 33 is rejected for the same reason in claim 27 as set forth hereinabove.

32. Claims 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linden et al. (US 6,266,649) in view of Angles et al. (US 5,933,811) in view of Buhse et al. (US 2004/0024652 A1) and in further in view of Cave et al. (US 6,996,094).

Regarding claim 34, Linden through Buhse taught the apparatus according to claim 1 as described hereinabove. Angles further teaches wherein when selection is made of a desired one of the plurality of pieces of offered digital content (plurality of content provider computer provider 14 provide connection to the plurality of consumer computer 12 see Angles: Fig.2 and 4), the communication controlling means establishes a session between the communication device that receives the desired piece of offered digital content (Linden teaches only recommended information will be shown to the users and when the user selected the recommended music title or audio title will send the selected items to the users “the list is filtered

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by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see Linden: col. 15 lines 36-40) and the communication device that is the information provider to accommodate providing the offered digital content in real time (only recommended information will be shown to the users “the list is filtered by deleting any items that (1) have already been purchased or rated by the user, (2) have a negative score, or (3) do not fall within the designated product group (e.g., books) or category” see Linden: col. 15 lines 36-40).

Angles through Buhse does not explicitly teach communication devices are voice over internet protocol devices.

However, Cave teaches the communication devices are voice over internet protocol devices (voice over internet capability in gateway “Also present on the network are gateways with VOIP capability, such as originating gateway 810 and terminating gateway 812 (also referred to herein as destination gateway” see Cave: col. 19 lines 62-67) to provide VRU to function less power and more cost efficient.

It would have been obvious to one of ordinary skill in the art at the time of invention to create the invention of the modified Linden to include (or to use, etc.) the communication devices are voice over internet protocol devices. as taught by Cave in order to provide VRU to function less power and more cost efficient.

33. Regarding claim 35, Linden through Cave taught the apparatus according to claim 34 as described hereinabove. Angles further teaches the communication controlling means establishes the session between the communication devices without requiring user input of connection addresses from the respective communication devices (direct connection between content

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provider computer and the consumer computer without user input after registration event A and B “Once connected to the Internet provider 34, the consumer can direct the browser to access information provided by one of the content provider computers 14. The Internet provider 34 then communicates with the Internet 33 to establish a communications link between the consumer computer 12 and the desired content provider computer 14” see Angles: col.9 line 65; col.17 lines 40-67).

34. Regarding claim 36, claim 36 is rejected for the same reason in claim 34 as set forth hereinabove.

35. Regarding claim 37, claim 37 is rejected for the same reason in claim 35 as set forth hereinabove.

36. Regarding claim 38, claim 38 is rejected for the same reason in claim 34 as set forth hereinabove.

37. Regarding claim 39, claim 39 is rejected for the same reason in claim 35 as set forth hereinabove.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guang Li whose telephone number is (571) 270-1897. The examiner can normally be reached on Monday-Friday 8:30AM-5:00PM(EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 8, 2008
GL
Patent Examiner

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/Joseph E. Avellino/

Primary Examiner, Art Unit 2446